

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

THE GUARDIAN LIFE INSURANCE
COMPANY OF AMERICA

V.

GARY D. KINDER, CORNERSTONE
FINANCIAL GROUP, INC., ET AL.

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CIVIL ACTION NO. H-06-1745


ORDER

On March 5, 2009, this action was referred to this Court by the Honorable Gray H. Miller, United States District Judge. The Court, upon review of the file is of the opinion that the following Orders are appropriate.

Because Plaintiff, The Guardian Life Insurance Company of America, still retains the burden of proof on its breach of contract claim, the “Motion to Realign the Parties” (Instrument no. 63) of Defendants, Gary Kinder, Cornerstone Financial Group, Inc. and Gary D. Kinder and Associates, Inc., is **DENIED**. See Ericsson, Inc. v. Harris Corp., 1999 WL 604827 (N.D. Tex. August 11, 1999)

It is further **ORDERED** that “Counter-Plaintiff and Defendant’s Amended Motion for Short Extension of the Submission Date for Motion for Summary Judgment” (Instrument no. 89) is **GRANTED** to permit the Court to consider the deposition testimony of Dennis Manning for purposes of the disposition of Plaintiff’s Motion for Summary Judgment.

DONE at Galveston, Texas, this _____ 10th _____ day of March, 2009



John R. Froeschner
United States Magistrate Judge